

November 4, 1970

A meeting of the Zoning Board of Adjustment was held on the above date with Chairman Neudeck presiding, other members present were, Mr. Poppitz, Mr. Reifer, Mr. Skarzynski, Mr. Kmetz. Absent, Mr. Lieberwith, Mr. Giovannoli. Mr. Goldstein was present as the Board's Attorney.

The minutes of the previous meeting were approved on a motion made and carried.

The proposed budget as submitted by the Clerk for 1971 was approved on a motion made and carried.

Mr. Neudeck did not sit with the Board for the hearing for Mr. Esposito. Mr. Reifer acted as Chairman for this hearing.

81870 - Joseph A. Esposito, 21 Koclas Drive, Netcong, N.J.

Application for a variance from the terms of N.J.S.A. 40:55-1.39 for the erection of a dwelling on McMullen Street, an unimproved road, Block 28, lot 3, R-3 zone.

Francis Schindelar, attorney, represented the applicant.

Mr. Schindelar said that this hearing had been postponed from the last meeting until tonight, we would like approval to erect this dwelling on Block 2, lot 2, he said that Netcong would supply the property with water. He said he had a letter from Netcong from their Board of Health stating that Netcong would provide sewer facilities for the lot.

Mr. Reifer: For the record, a letter has been presented from the Boro of Netcong dated November 4, 1970 stating that the request of Mr. Esposito to hook into the Netcong sewer system was granted by the Board of Health.

Mr. Reifer: During our last meeting we had requested conformation of what Mr. Esposito indicated as far as services for this lot would be provided, by the Boro of Netcong and that if a permit were granted there would be no call upon the Township of Roxbury for any services. This is just one letter, do you have others?

Mr. Esposito: I have a letter that Netcong will plow the street.

Mr. Schindelar: This lot is less then 75 feet away from the Netcong line.

Mr. Reifer: As a part of this application, this information was offered to us and we wanted to give him opportunity to present these items. In view of the fact that the street on which the building is proposed to be erected is not adopted or approved by the Township of Roxbury as a condition in support of his testimony that he would obtain from Netcong letters that state Roxbury would not be called upon to service this lot.

Mr. Schindelar: Even if the Boro of Netcong did give us such letters, a month from now they might not want to give these services.

Mr. Reifer: We wanted to give him additional time to produce this or any information that would support his testimony.

Mr. Schindelar: We would not call upon the Township of Roxbury to plow this road.

Mr. Reifer: We are fully mindful of the fact that any letters that would have been given to us would not be binding on Netcong, we are also mindful that this additional information does not compel us to grant a variance. Is there further testimony or information that you wish to offer.

Mr. Schindelar: The applicant will not call upon the Township of Roxbury to plow the road of that 75 feet to the Township line.

Mr. Esposito: The garbage collection is made from Netcong, the trucks go up that street to get into Lake Shore Drive. It is the same collector for both Netcong and Roxbury, there are houses down the street in Netcong and the ones on Lake Shore Drive, the truck goes down past this lot and collects from all those houses.

Mr. Schindelar: Who plows this road for the garbage truck.

Mr. Esposito: Netcong plows the Lake Shore Drive Road from McMullen Street from the Netcong side.

Mr. Skarzynski: Lake Shore Drive is very steep at one point.

Mr. Schindelar: Is there anything else this Board has in mind that we might offer in evidence.

Mr. Reifer: It has been the position of our Board that unless an applicant conforms to the Zoning code or can give us a good reason why the variance should be granted, if the applicant cannot convince the Board that there would be no substantial detriment then we feel we would be justified in refusing a variance. What the applicant should obtain as testimony we can't advise.

Mr. Reifer: Who owns lot number three.

Mr. Schindelar: Mr. Froehlich, he was at the first meeting.

There were no further questions from the Board and there was no one in the audience who wished to speak in regard to this application and motion was made that the Board recess. Motion was carried.

The meeting was called to order after the recess and Mr. Reifer acting as Chairman called for motion by the Board.

Motion was made by Mr. Poppitz, seconded by Mr. Kmetz that

WHEREAS the testimony has shown that Block 28, lot 3 is on an unaccepted and unimproved road known as McMullen Street and does not conform to current municipal standards, and

WHEREAS the remaining properties in Roxbury Township o. said street are undeveloped, and

WHEREAS the granting of a variance would create a situation extending municipal services on an unimproved and unaccepted road, and

WHEREAS the relief cannot be granted without substantial detriment to the public good and would substantially impair the intent and purpose of the zoning map and zoning ordinance, I therefore move that the application for the erection of a dwelling on a lot fronting on the unimproved road be denied.

The motion was carried by the following roll call vote.

Mr. Poppitz, Yes Mr. Reifer, Yes Mr. Kmetz, Yes
Mr. Skarzynski, No

As a result of the above roll call the motion was carried.

112470 - Casimir Salkowski, 546 Vail Road, Landing, N.J.

Application for a variance from the terms of N.J.S.A. 40:55-1.39 for the erection of a dwelling on Yellow Barn Avenue an unimproved road, Block 71, lot 27, R-3 zone.

Mr. Cohn, attorney, appeared on behalf of Mr. Valentino, attorney for Mr. Salkowski.

Mr. Reifer read the application.

Mr. Cohn: We have an unusual situation, this is a substandard size lot approximately 50'x 270', there is a private road and I have inspected this road, it is paved with macadam. and road is 20' wide cuts across this property, the Township provides services for the many homes existing. We may need a variance for the rear yard if the Board deems it necessary, the proposed 30' set back is in line with existing dwellings, we are appealing for a rear yard variance and if necessary also a front yard variance. Because of the road cutting across this lot we are not sure how the Board will rule, but the lot contains 15,000 square feet in its entirety.

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Mr. Poppitz: The property is approximately 51 feet wide.

Mr. Cohn: Yes, you not the rear yard shows the property line actually runs to the high water mark of the lake, the retaining wall is existing, Mr. Herich has been in the area for many years, since 1938 and has observed the area, there had been a dwelling on this property and it was in such a condition that it was torn down before he applied for a building permit.

Mr. Cohn presented pictures of the property and the road to the Board, they were marked as exhibits and Mr. Cohn said there was no garage, he said that Mr. Salkowski is not planning to live on a year round basis at the present time, it is primarily a summer home, he actually resides in Bayone and owns a summer home in Shore Hills on Vail Road. He plans to use this dwelling on the same basis as the Vail Road dwelling.

Mr. Reifer: Does he own the home on Vail Road?

Mr. Cohn: Yes.

Mr. Reifer: How large are the houses on either side of this lot.

Mr. Cohn: The existing dwelling on the one side is quite large.

Mr. Herich: I am the occupant of the one story brick dwelling on the other side, I am a full time residence, my house is 24'x 40' and have lived there 18 years. We have visited the area since 1938.

Mr. Reifer: How many houses exist on this private road at the present time, there were 15 but when this one was taken down there are now 14 houses, about one fifth of these homes are permanent substantial dwellings and fit for winter occupancy, five have been converted to winter residence.

Mr. Reifer: When was your home constructed?

Mr. Herich: In 1965 but I have been coming up here for a long time.

Mr. Poppitz: How long has this private road been paved and how wide is it?

Mr. Herich: About 6 years and it's 22 feet wide, it is macadam with oil topping base and gravel, it is a substandard road, there are no problems, no pot holes except at the entrance which were caused by the construction of the school. The road in front of the property is perfect.

Mr. Cohn: Is this road regularly cleared of snow and is the garbage picked up.

Mr. Herich: Yes, two times a week for the garbage and it is plowed in the winter time.

Mr. Cohn: Are you familiar with the building which was on this property?

Mr. Herich: Yes, it was a summer residence from 1938, until three years ago when the building became unfit for occupancy and it was torn down. I am in favor of the application, I had to go through the same thing to get my house built, too.

Mr. Poppitz: Why are you in favor of the application.

Mr. Herich: I'd much rather see a house there than bare empty lot, I can see no reason why the Board should not grant a variance, I got my clearance five years ago, it was the same type of application, this is what held me up, an unimproved road.

Mr. Reifer: Does Yellow Barn Avenue have an outlet?

Mr. Herich: No, there is no outlet, we have a turn around at the end of the road, it is a fire lane 18 feet wide with a turn around.

Mr. Reifer: Mr. Salkowski, how large is your family, this is a large house.

Mr. Salkowski: We have three children but they are grown and have their own children, they come down once, twice maybe three times a season to visit us, this house is large so that they can be accommodated easily and there will be enough room for all of us. Also I will probably retire in a few years and it will be our home. The house will be a two story house at the point where the property goes out toward the lake.

Mr. Cohn: The property drops back, and at that portion it will be two stories, three bedrooms, full kitchen, there will be no other kitchen facilities, it is intended as a one family residence and will be large enough to accommodate his children and grand children when they visit. Mr. Salkowski is a man of substantial means and has no intention of using this house as a two family residence. If you want to further restrict the variance to a one family dwelling only, then we would accept that, he would like to have his home adequate enough to provide room for his family.

Mr. Poppitz: Where do you park your cars.

Mr. Cohn: There are garages across the street from almost all of the lots, there is sufficient parking provided, cars do not have to park in the street.

There was no one in the audience who wished to speak in regard to this application and the Board recessed.

The Chairman called the meeting back to order and motion was made by Mr. Poppitz, seconded by Mr. Reifer that:

WHEREAS the applicant is the owner of property designated on the Township Tax Map as Block 71, lot 27 and located in the R-3 zone, and

WHEREAS said lot fronts on a paved unimproved road 22 feet wide of macadam construction which private road has an 18' fire lane at its north easterly end, and

Mr. Miller, representing Rems, Inc., stated that Mr. Einhorn's client was at Rems office the later part of last week, we went over all the details and your client offered to sell that lot to Rems, Inc.

Mr. Einhorn: I'm sure those details could be discussed, however, the question is the form of the notice.

Mr. Goldstein said that Section 40:55-39 shows general outline of what must be in the notice, this notice appears to meet those requirements.

Motion was made and carried that the hearing be held until the next meeting giving the applicant time to give more detailed notice to the surrounding property owners.

A letter from the Township Committee in answer to our letter in regard to Mr. Selengut's property on William Road was read and ordered filed.

It was decided to interview attorneys who might be interested being the attorney for the Board.

There was no further business to come before the Board and the meeting was adjourned by motion made and carried at 10:00 P.M.

Respectfully submitted,

Ruth H. Thiele, Clerk